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 DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

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Attorneys for Plaintiff Equal Employment Opportunity Commission

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 (SAN JOSE DIVISION)

EQUAL EMPLOYMENT OPPORTUNITY  
 COMMISSION,

Plaintiff,

v.

SLADANA LUCICH d/b/a WHITE OAKS  
 AUTO BODY

Defendants.

Civil Action No.

07 0507

COMPLAINT

Civil Rights - Employment  
 Discrimination

HRL

DEMAND FOR JURY TRIAL

NATURE OF THE ACTION

This action is brought pursuant to Title VII for the Civil Rights Act of 1964 to correct unlawful employment practices on the basis of sex and retaliation and to provide appropriate relief to Charging Parties Maria Guadalupe Quinones, Maria Gomez, Ricardo Lirios, Alfonso Juarez, Luis Mendoza and Raul Mora who were adversely affected by such practices. Charging Parties Maria Guadalupe Quinones and Maria Gomez were discriminated against by Sladana Lucich d/b/a White Oaks Auto Body ("White Oaks") when they were sexually harassed by a management official of Defendant. In addition, when complaints were made by all of the Charging Parties about the harassment, they were unlawfully discharged in retaliation for opposing the discrimination.

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**JURISDICTION AND VENUE**

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2 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331,  
3 1337, 1343 and 1345. This action is authorized and instituted pursuant to §706(f)(1) and  
4 (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e-5(f)(1) and  
5 (3) ("Title VII") and §102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

6 2. The unlawful employment practices alleged herein were committed in the  
7 State of California, thus venue is proper "in any judicial district in the State in which the  
8 unlawful employment practice is alleged to have been committed." (§706(f)(3) of Title  
9 VII, 42 U.S.C. §2000e-5(f)(3)). Venue is therefore proper in the United States District  
10 Court for the Northern District of California (San Jose Division).

**INTRADISTRICT ASSIGNMENT**

11  
12 3. This action is appropriate for assignment to San Jose as the unlawful  
13 employment practices alleged herein were committed in Santa Clara County.

**PARTIES**

14  
15 4. Plaintiff, the Equal Employment Opportunity Commission  
16 ("Commission") is the agency of the United States of America charged with the  
17 administration, interpretation and enforcement of Title VII, and is expressly authorized  
18 to bring this action by §706(f)(1) and (3) of Title VII, §2000-e(f)(1) and (3).

19 5. Defendant Sladana Lucich d/b/a White Oaks Auto Body ("White Oaks")  
20 is a California company, doing business in the State of California, in the County of Santa  
21 Clara, and has continuously had at least 15 employees.

22 6. At all relevant times, White Oaks has continuously been an employer  
23 engaged in an industry affecting commerce, within the meaning of Section 701(b), (g)  
24 and (h) of Title VII, 42 U.S.C. §2000-e(b), (g) and (h).

25 7. At all relevant times, Defendant, White Oaks Auto Body employed all six  
26 Charging Parties for purposes of Title VII liability.

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**STATEMENT OF CLAIMS**

**FIRST CLAIM FOR RELIEF**

**Violation of Title VII of Civil Rights Act : Sex Discrimination,  
Sexual Harassment**

8. More than thirty days prior to the institution of this lawsuit, Charging Parties Maria Guadalupe Quinones, Maria Gomez, Ricardo Lirios, Alfonso Juarez, Luis Mendoza and Raul Mora filed charges with Plaintiff Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

9. Since at least July 2004, Defendant has engaged in unlawful practices of discrimination at its Campbell, California facility, in violation §703(a) (1) of Title VII, 42 U.S.C. §2000e-2(a)(1) by subjecting Charging Parties Quinones and Gomez to a hostile, abusive, intimidating and offensive work environment due to sexual harassment. The sexual harassment included, but is not limited to, the shop manager engaging in unwelcome conduct of a sexual nature, such as attempting to establish a sexual relationship, commenting about the women's clothing and encouraging them to wear tighter clothes, threatening to fire the women if they would not comply, offering bribes to get oral sex, physical acts of a sexual nature and subjecting the women to prurient ogling.

10. Although the female employees resisted the sexual harassment and complained of the harassment, Defendant failed to exercise reasonable care to prevent and/or correct promptly any discrimination on the basis of sex.

11. The effect of the actions complained of in Paragraph 9 and 10 above has been to deprive Charging Parties Quinones and Gomez of equal employment opportunities and otherwise adversely affect their status as employees because of sex.

12. The unlawful employment practices complained of in Paragraph 9 and 10, above, were intentional.

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1           13.     The unlawful employment practices complained of in Paragraph 9 and  
2 10, above, were done with malice or with reckless indifference to the federally protected  
3 rights of Charging Party Quinones and Charging Party Gomez.

4                               **SECOND CLAIM FOR RELIEF**

5                               **Violation of Title VII of Civil Rights Act: Sex Discrimination,  
6                               Retaliation**

7           14.     Plaintiff Commission hereby incorporates the allegations of Paragraphs 1  
8 through 8 above as though fully set forth herein.

9           15.     Since at least September 2004, Defendant engaged in unlawful retaliatory  
10 practices in violation of §704(a) of Title VII, 42 U.S.C. §2000e-3(a). Defendant's  
11 retaliatory conduct included, but is not limited to, discharging Charging Parties Maria  
12 Guadalupe Quinones, Maria Gomez, Ricardo Lirios, Alfonso Juarez, Luis Mendoza and  
13 Raul Mora because they opposed practices made unlawful by Title VII when they  
14 complained to the owner and shop manager about the harassment.

15           16.     The effect of the actions complained of in Paragraph 15 above has been to  
16 deprive the Charging Parties of equal employment opportunities and otherwise  
17 adversely affect their status as employees for engaging in a protected activity.

18           17.     The unlawful employment practices complained of in Paragraph 15 above  
19 were intentional.

20           18.     The unlawful employment practices complained of in Paragraph 15 above  
21 were done with malice or with reckless indifference to the federally protected rights of  
22 the Charging Parties.

23                               **PRAYER FOR RELIEF**

24           Wherefore, the Commission respectfully requests that this Court:

25           A.     Grant a permanent injunction enjoining Defendant, its officers, successors,  
26 assigns, and all persons acting in concert or participation with them, from engaging in  
27 discrimination against their employees including harassment based on sex and  
28 retaliation.

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1 B. Order Defendant to institute and carry out policies, practices, and  
2 programs which prohibit harassment based on sex and retaliation, and which eradicate  
3 the effects of their unlawful employment practices.

4 C. Order Defendant to make whole Charging Parties by providing  
5 appropriate back pay and benefits with prejudgment interest, and other affirmative  
6 relief necessary to eradicate the effects of its unlawful employment practices, including  
7 but not limited to, reinstatement and/or front pay and other appropriate relief to be  
8 determined at trial.

9 D. Order Defendant to make whole Charging Parties by providing  
10 compensation for past and future pecuniary losses resulting from the unlawful  
11 employment practices complained of above, including but not limited to such out-of-  
12 pocket expenses as medical care necessitated by Defendant's unlawful conduct, in  
13 amounts to be determined at trial.

14 E. Order Defendant to make whole Charging Parties by providing  
15 compensation for past and future nonpecuniary losses resulting from the unlawful  
16 practices complained of above including, but not limited to emotional pain and  
17 suffering, inconvenience, loss of enjoyment of life and humiliation, in amounts to be  
18 determined at trial.

19 F. Order Defendant to pay Charging Parties punitive damages for the  
20 malicious and reckless conduct described above, in amounts to be determined at trial.

21 G. Grant such further relief as the Court may deem just and proper in the  
22 public interest.

23 H. Award the Commission its costs of this action.

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**DEMAND FOR JURY TRIAL**

Pursuant to the provisions of Federal Rule of Civil Procedure 38(b), Plaintiff hereby demands a jury trial.

RONALD S. COOPER  
General Counsel

GWENDOLYN YOUNG REAMS  
Associate General Counsel

**Equal Employment Opportunity  
Commission**  
1801 L Street, N.W.  
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Date: January 24, 2007

  
WILLIAM R. TAMAYO  
Regional Attorney

Date: January 24, 2007

  
JONATHAN T. PECK  
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Date: January 23, 2007

  
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